

## CONNECTICUT'S WHISTLEBLOWER LAW

- Connecticut's whistleblower law regarding state government (C.G.S. § 4-61dd) allows anyone, including state employees, to report specific kinds of agency misconduct to the state Auditors of Public Accounts and the Attorney General.
- The primary whistleblower functions of the State Auditors and the Attorney General are to review the matter and report their findings.
- Any individual relief for retaliatory personnel issues (e.g., firing, promotion, back pay) must be sought through alternative routes such as the Chief Human Rights Referee, employee grievance proceedings, or court action.
- The State Auditors have the first mandated review of all whistleblower matters. In practice, however, the Office of the Attorney General frequently receives whistleblower complaints first.
- From FY 02 to FY 08, the Auditors experienced a 116 percent growth in the number of whistleblower complaints submitted. On average, it appears the Auditors are completing about 80 to 90 whistleblower cases a year since 2006. There are 197 cases currently pending with at least 29 cases opened more than two years ago.
- The State Auditors have needed to shift staff resources and assignments in order to manage the increasing number and complexity of the whistleblower matters submitted. Staff resource allocation can delay whistleblower assignments.
- Given the varying characteristics of each reported incident, there is no single approach to whistleblower investigations. Each complaint is considered and handled on a case-by-case basis.
- Personnel issues make up 23 percent of the whistleblower allegations. This includes the most common type of allegation, which is use of time such as employee attendance, work hours, use of comp time, or sick leave.
- Over 60 percent of the complaints reviewed by the State Auditors are handled in less than a year with a median of 5.5 months while close to 40 percent of the cases have a median processing time of almost a year and half.
- All whistleblower matters reviewed by the Auditors are referred to the Office of the Attorney General. The statutory language provides the Attorney General discretion to pursue whistleblower investigations as he "deems proper".

## Key Points

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- In the Attorney General's office, a whistleblower case is rarely closed and most cases are placed on a monitoring status, which means they remain active with the possibility that additional information may materialize or further complaints may come forth.
- The majority of the work conducted by the Attorney General's whistleblower staff is on case investigations that have been identified as having potentially serious implications including danger to public safety, significant financial impact, or substantial public importance.
- The number of whistleblower retaliation claims filed with the State Auditors and referred to the Attorney General has increased over time.
- Since 2002, a whistleblower retaliation complaint process with the Chief Human Rights Referee has been available for employees seeking individual relief for personnel actions and is separate from the Auditors' and Attorney General's whistleblower process.
- State law creates a rebuttable presumption that any personnel action taken or threatened against an employee who makes a whistleblower complaint is retaliatory if it occurs within one year of the complaint.
- The number of whistleblower retaliation complaints filed with the Chief Human Rights Referee has gradually increased over time.
- A majority of the complaints filed with the Chief Human Rights Referee are dismissed (43%) or withdrawn (29%). Frequently (47%) the basis for dismissal is that the respondent is not a state agency, quasi-public agency, or a large state contractor.
- The vast majority (89%) complaints filed with the Chief Human Rights Referee are resolved within a year or less with a median process time of 2.7 months. Nine retaliation complaints have taken more than a year to complete.
- Certain distinct features and key differences are apparent between the Connecticut and federal whistleblower process.